

Message Text

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PAGE 01 STATE 105682
ORIGIN OES-07

INFO OCT-01 EA-12 ISO-00 EB-08 DLOS-09 /037 R

DRAFTED BY OES/OFA:BBROOKENS:MAC
APPROVED BY OES/OFA:JDNEGROPONTE
OES/OFA/FA:JASTORER
OES/OFA/FA:BSHALLMAN
EA/ANP:TJWAJDA (INFO)

-----053148 260019Z /61

O 252250Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY PORT MORESBY IMMEDIATE

UNCLAS STATE 105682

FOR BUSBY, FISHERIES TEAM

E.O. 11652: N/A

TAGS: EFIS, PP, PLOS

SUBJECT: DEPARTMENT TESTIMONY BEFORE CONGRESS CONCERNING
THE EXTENSION OF THE PACIFIC FISHERIES DEVELOPMENT ACT

1. DEPARTMENT WITNESS TESTIFIED MONDAY, APRIL 24, BEFORE
THE SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTA-
TION CONCERNING S. 2878, LEGISLATION TO EXTEND THE
PACIFIC FISHERIES DEVELOPMENT ACT. THE TESTIMONY WAS
WELL RECEIVED BY SENATOR MAGNUSON AND THE COMMITTEE. THE
TEXT IS PROVIDED FOR USE AS DEEMED APPROPRIATE DURING
CONSULTATIONS IN THE SOUTH PACIFIC AREA.

2. BEGIN TEXT: MR. CHAIRMAN: IT IS A PLEASURE TO
APPEAR HERE TODAY TO TESTIFY ON S. 2878. MR. CHAIRMAN,
NORMALLY A BILL SUCH AS THIS WOULD NOT BE OF PRIMARY
CONCERN TO THE DEPARTMENT OF STATE SINCE, FOR THE MOST
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PART, IT DEALS WITH A DOMESTIC QUESTION. HOWEVER, WE ARE
KEENLY INTERESTED IN THIS PARTICULAR ACT SINCE IT COULD
IMPACT DIRECTLY ON OUR EFFORTS TO NEGOTIATE A REGIONAL
FISHERIES AGENCY IN THE SOUTH PACIFIC REGION. I WOULD
LIKE TO DESCRIBE BRIEFLY THE STATUS OF THOSE EFFORTS AND
THEN ATTEMPT TO RELATE THEM TO THE PENDING LEGISLATION.

3. MR. CHAIRMAN, WITHOUT DOUBT THE SOUTH PACIFIC REGION HOLDS THE GREATEST POTENTIAL FOR DEVELOPMENT OF FISHERIES RESOURCES. NOT ONLY ARE OUR OWN FISHERMEN BECOMING INCREASINGLY AWARE OF THIS, BUT THE NATIONS OF THE REGION ARE ALSO KEENLY INTERESTED IN THIS POTENTIAL. THERE IS ALSO A GROWING REALIZATION WITHIN THE ADMINISTRATION THAT THE SOUTH PACIFIC REGION IS OF GREAT POLITICAL IMPORTANCE.

4. LAST SUMMER, THE SOUTH PACIFIC FORUM, AN ORGANIZATION COMPOSED OF THE INDEPENDENT NATIONS OF THE SOUTH PACIFIC REGION, MET TO DISCUSS THE POTENTIAL IMPACT OF MARINE RESOURCE DEVELOPMENT IN THE AREA AND AGREED UPON A FORUM RESOLUTION ON THE SUBJECT. FIRST, THIS RESOLUTION DECLARED THE INTENTION OF THE FORUM NATIONS TO UNILATERALLY AND INDIVIDUALLY ESTABLISH 200-MILE FISHERY ZONES BY MARCH 31, 1978. AS OF THIS TIME, MR. CHAIRMAN, NEARLY ALL OF THE NATIONS OF THE REGION EITHER HAVE ALREADY OR ARE IN THE PROCESS OF ESTABLISHING 200-MILE FISHERIES ZONES.

5. THE FORUM RESOLUTION ALSO SIGNALLED THE INTENTION OF THE MEMBERS TO CONVENE A MEETING OF OFFICIALS OF A NUMBER OF NATIONS WITH AN INTEREST IN SOUTH PACIFIC FISHERIES, FOR THE PURPOSE OF ESTABLISHING A SOUTH PACIFIC REGIONAL FISHERIES AGENCY. THIS MEETING TOOK
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PLACE IN NOVEMBER OF LAST YEAR IN SUVA, FIJI. THERE WAS CONSIDERABLE DISCUSSION PRIOR TO THAT MEETING AS TO WHETHER THE UNITED STATES AND OTHER METROPOLITAN POWERS SHOULD BE INVITED TO PARTICIPATE AT ALL, WITH STRONG ADVOCATES ON BOTH SIDES OF THE ISSUE. IT WAS EVENTUALLY DECIDED TO INVITE NOT ONLY THE U.S. BUT ALSO THE UNITED KINGDOM, FRANCE, AND CHILE. THE ISSUE CENTERED ON WHETHER OR NOT AN INVITATION TO THE UNITED STATES COULD SUBVERT THE PURPOSE OF THE ORGANIZATION AS SEEN BY MOST OF THE FORUM NATIONS. THIS WAS BECAUSE WE DO NOT RECOGNIZE COASTAL STATE JURISDICTION OVER HIGHLY MIGRATORY SPECIES OF TUNA. THE FORUM MEMBERS DESIRE TO DEVELOP THE FISHERY RESOURCES OF THE AREA FOR THE MAXIMUM BENEFIT OF THE COASTAL NATIONS, WHEREAS OUR INTERESTS ARE MORE DIVERSE.

6. THE UNITED STATES ATTENDED THE NOVEMBER MEETING WITH THREE OBJECTIVES. FIRST, IT WAS OUR RESPONSIBILITY TO REPRESENT THE INTERESTS OF OUR OWN TERRITORIES AND POSSESSIONS IN THE REGION, AS WELL AS THE INTERESTS OF THE TRUST TERRITORIES OF THE PACIFIC ISLANDS. IN THIS REGARD THE DELEGATION, WHICH WAS HEADED BY ASSISTANT

SECRETARY MINK, INCLUDED REPRESENTATIVES OF GUAM, THE NORTHERN MARIANAS, AMERICAN SOMOA, THE WESTERN PACIFIC REGIONAL FISHERIES MANAGEMENT COUNCIL AND THE TRUST TERRITORIES. OUR SECOND OBJECTIVE WAS TO PARTICIPATE IN THE CREATION OF AN ORGANIZATION FOR THE CONSERVATION AND MANAGEMENT OF THE FISHERY RESOURCES OF THE AREA. THIS ORGANIZATION WOULD DEAL PRINCIPALLY WITH TUNA, BUT IT IS THE POSITION OF MOST OF THE NATIONS INVOLVED THAT IT SHOULD ALSO ASSIST IN THE DEVELOPMENT OF THE OTHER FISHERY RESOURCES OF THE REGION. OUR MAIN INTEREST IS IN THE CONSERVATION AND MANAGEMENT OF THE TUNA RESOURCES, AND IN PROTECTING THE OPPORTUNITY FOR UNITED STATES FISHERMEN TO COMPETE IN THESE FISHERIES ON AN EQUAL BASIS

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WITH OTHER NATIONS UNDER TERMS AND CONDITIONS WHICH ARE REASONABLE. FINALLY, WE BELIEVE THE ESTABLISHMENT OF A SOUTH PACIFIC REGIONAL FISHERIES ORGANIZATION COULD HAVE IMPORTANT POLITICAL RAMIFICATIONS. REGIONAL CO-OPERATION IN THE FISHERIES AREA COULD PROVE TO BE AN IMPORTANT CATALYST FOR POLITICAL AND ECONOMIC DEVELOPMENT IN THE REGION, AND WE ARE ANXIOUS TO ASSIST IN THIS EFFORT.

7. A NUMBER OF ISSUES WERE DISCUSSED AT THE NOVEMBER MEETING AND NUMEROUS DRAFT TREATY ARTICLES PREPARED. MUCH PROGRESS WAS MADE AT THE SUVA MEETING, ALTHOUGH A FEW DIFFICULT ISSUES REMAIN TO BE SETTLED. SOME NATIONS WANTED TO FORM AN EXCLUSIVE ORGANIZATION COMPOSED ONLY OF COASTAL STATES OF THE AREA IN ORDER TO PRESENT A UNIFIED FRONT TO DISTANT-WATER FISHING COUNTRIES. THE OTHER VIEW, WHICH WE SHARED, WAS THAT IN ORDER TO SUCCEED, THE ORGANIZATION MUST BE PREPARED TO INCLUDE BOTH COASTAL AND DISTANT-WATER INTERESTS. WE POINTED TO EXAMPLES OF OTHER FISHERIES MANAGEMENT AND CONSERVATION ORGANIZATIONS WHICH HAD FOUND PRACTICAL WAYS OF RECONCILING DIFFERING INTERESTS AND JURIDICAL VIEWPOINTS.

8. THERE WAS CONSIDERABLE DISCUSSION IN SUVA AS TO WHETHER THE ORGANIZATION SHOULD BE PREDICATED UPON THE PRINCIPLE OF COASTAL STATE JURISDICTION OVER TUNA. WE POINTED OUT UNDER U.S. LAW IT WOULD BE IMPOSSIBLE FOR US TO JOIN SUCH AN ORGANIZATION. ALTHOUGH COMPLETELY ISOLATED IN OUR JURIDICAL POSITION, WE INDICATED TO THE OTHER PARTICIPANTS THAT WE BELIEVED ARRANGEMENTS COULD BE WORKED OUT WHICH WOULD PROTECT THE LEGAL POSITION OF EACH SIDE. IN THE CONTEXT OF A MULTILATERAL AGREEMENT, WE COULD AGREE TO INTERNATIONAL REGULATION OF TUNA WITHIN

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NATIONAL FISHERY ZONES. WE HAVE OFFERED A NUMBER OF DRAFTING SUGGESTIONS DESIGNED TO BRIDGE THESE OPPOSING

VIEWPOINTS. THE OTHER COUNTRIES ARE NOW CONSIDERING OUR SUGGESTIONS BUT WE MUST BE UNDER NO ILLUSION; THIS IS THE MOST IMPORTANT REMAINING OBSTACLE TO A SUCCESSFUL NEGOTIATION. THE NEXT NEGOTIATING SESSION IS SCHEDULED TO TAKE PLACE JUNE 5-10 IN SUVA AT WHICH TIME WE EXPECT A MORE CLEAR-CUT PICTURE OF THE LIKELY OUTCOME.

9. TO RELATE THIS EFFORT TO THE LEGISLATION CURRENTLY UNDER CONSIDERATION, I BELIEVE A CONTINUATION OF THE BASIC ACT COULD COMPLEMENT OUR NEGOTIATIONS IN AN IMPORTANT WAY. AT THE JUNE MEETING WE WOULD LIKE TO BE ABLE TO DEMONSTRATE A POSITIVE COMMITMENT ON THE PART OF THE U.S. TO ASSIST IN THE DEVELOPMENT OF THE FISHERIES RESOURCES IN THE AREA AND WE WOULD ALSO LIKE TO BE ABLE TO SHOW, BY SPECIFIC REFERENCE TO THE NEGOTIATIONS IN THIS LEGISLATION, THAT U.S. GOVERNMENT PLANS FOR THE REGION ARE MOVING AHEAD IN CONCERT WITH THESE OTHER COUNTRIES' PLANS TO ESTABLISH A FISHERIES AGENCY. IN SUPPORTING THIS CONCEPT NO INFERENCE SHOULD BE DRAWN THAT WE WISH TO DETRACT IN ANY WAY FROM THE EFFORTS OF THE PACIFIC ISLANDS DEVELOPMENT COMMISSION AND PACIFIC TUNA DEVELOPMENT FOUNDATION. QUITE THE CONTRARY, OUR CONVICTION IS THAT THE DEVELOPMENT PROGRAMS OF THESE ORGANIZATIONS AND THOSE OF THE NEW FISHERIES AGENCY SHOULD BE COMPLEMENTARY AND MUTUALLY SUPPORTIVE, AND IT SEEMS TO US THAT THIS IS WHAT IS INTENDED BY THE PROPOSED LEGISLATION.

10. THANK YOU, MR. CHAIRMAN. END TEXT. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHERIES, LEGISLATION, US CONGRESSIONAL HEARINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE105682
Document Source: CORE
Document Unique ID: 00
Drafter: BBROOKENS:MAC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780177-0676
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780418/aaaaapaa.tel
Line Count: 207
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 1b63bca7-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2851819
Secure: OPEN
Status: NATIVE
Subject: DEPARTMENT TESTIMONY BEFORE CONGRESS CONCERNING THE EXTENSION OF THE PACIFIC FISHERIES DEVELOPMENT ACT
TAGS: EFIS, PLOS, PGOV, PP, US
To: PORT MORESBY
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/1b63bca7-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014